

FILED

NOV 17 2021

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOMINIC CLEGGETT,

Defendant.

4:21CR624 SRC/JMB

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jennifer Szczucinski, Assistant United States Attorneys for said District, and moves the Court to order the Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, § 3141, et seq.

As and for its grounds, the United States of America states as follows:

1. The Defendant is charged with being a felon in possession of a firearm and ammunition, in violation of Title 18 U.S.C. § 922(g), possession with intent to distribute fentanyl and cocaine base, in violation of Title 21 U.S.C. § 841(a), and possession of a firearm in furtherance of a drug trafficking crime, in violation of Title 18 U.S.C. § 924(c). Offenses charged pursuant to 21 U.S.C. § 841(a) carry a maximum twenty years imprisonment as prescribed under Title 21. Offenses charged pursuant to 18 U.S.C. § 924(c) carry a minimum five years imprisonment, consecutive to other charges, as prescribed under Title 18. Offenses charged pursuant to 18 U.S.C. § 922(g) carry a maximum ten years imprisonment as prescribed under Title 18.

2. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code,

Section 3142(e)(3) that there are no conditions or combination of conditions which will reasonably assure the appearance of the Defendant as required and the safety of any other person and the community.

3. According to St. Louis Metropolitan Police Department (“SLMPD”), on September 17, 2021, SLMPD officers observed a white Dodge Charger with a heavily tinted windshield traveling south on Broadway from Riverview. Officers subsequently learned the Defendant was driving the Charger and was the only occupant. Officers turned around and pulled behind the Charger, at which time they noticed the license plate was tinted such that they could not read the license plate. Officers attempted a traffic stop, at which time the Defendant pulled to the curb, but then sped off at a high rate of speed. The Defendant violated traffic signals, continuing to drive at a high rate of speed and erratically, until an officer utilized a “spike strip.” After driving over the “spike strip,” the Defendant lost control of the Charger, which went over the median/guardrail and struck a semi-truck, after which the Charger came to a stop. When the officers approached the Charger, an officer observed the Defendant had a bag across his chest and could see the butt of a handgun in the bag. The driver’s side door was damaged and could not be opened. As a result, one officer removed the bag from the Defendant and other officers removed the Defendant from the car on the passenger side. Inside the bag, officers located a loaded Smith and Wesson .40 caliber pistol. A search of the Charger revealed approximately twenty grams of marijuana, a bag containing multiple rounds of .40 caliber ammunition, and a digital scale. A search of the Defendant located a plastic bag containing multiple plastic bags containing both powder and rock-like substances. Laboratory analysis identified the bags as containing 1.56 grams of cocaine base, 7.33 grams of fentanyl, and .20 grams of cocaine.

4. According to the SLMPD, laboratory analysis of the .40 caliber pistol located in the Defendant’s bag on September 17, 2021 determined that the pistol is correlated with multiple ballistic shell casings located at the scene of a shooting on September 11, 2021. In the at incident, witnesses

identified the Defendant as being involved in an altercation with another individual during which both the Defendant and the other individual fired shots at each other. Shots went thru an adjoining wall into another apartment, where a small child was sleeping. The other individual sustained gunshot wounds to the chest/back.

5. The Defendant's criminal history reflects that he has multiple felony convictions including, but not limited to, the following:

- 2106R-03824, *State of Missouri v. Dominic Cleggett*
Guilty Plea/Sentence Date: November 30, 2007
Count One: Unlawful Use of a Weapon
Sentence: 4 years MDC
- 2106R-03886, *State of Missouri v. Dominic Cleggett*
Guilty Plea/Sentence Date: November 30, 2007
Count One: Robbery First Degree
Count Two: Armed Criminal Action
Sentence: 13 years MDC
- 22061-01503, *State of Missouri v. Dominic Cleggett*
Guilty Plea/Sentence Date: June 8, 2007
Count One: Assault First Degree
Count Two: Armed Criminal Action
Sentence: 13 years MDC
- 22061-01552, *State of Missouri v. Dominic Cleggett*
Guilty Plea/Sentence Date: June 8, 2007
Count One: Possession of a Controlled Substance
Count Two: Possession of a Controlled Substance
Count Three: Possession of a Controlled Substance
Count Four: Unlawful Use of a Weapon
Sentence: 7 years MDC

6. The Defendant's parole was revoked in 2018 and was released from incarceration in November of 2020. Law enforcement records reflect that the Defendant was also arrested in April 2021, following a pursuit from law enforcement in which a firearm was thrown out the passenger side window of the vehicle.

7. There is a serious risk that the Defendant will flee, given the Defendant's history of

flight from law enforcement, his flight from the scene in this case, his failure to comply with supervision while on parole, and the potential sentence the Defendant faces in this case.

8. The Defendant's criminal history and the nature and circumstances of the offense charged, reflect that there is a serious danger to the community that would be posed by the defendant's release. Further, there are no conditions or combination of conditions that will reasonably assure the Defendant's appearance as required.

WHEREFORE, the United States requests this Court to order the Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jennifer Szczucinski
JENNIFER SZCZUCINSKI, #56906MO
Assistant United States Attorney